



**MILPITAS CITY COUNCIL MEETING AGENDA  
MARCH 18, 2008**

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**7:00 P.M. (PUBLIC BUSINESS)  
455 E. CALAVERAS BOULEVARD**

**SUMMARY OF CONTENTS**

- I. CALL TO ORDER/ROLL CALL**
- II. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- III. INVOCATION (Vice Mayor Livengood)**
- IV. APPROVAL OF COUNCIL MEETING MINUTES – March 4, 2008**
- V. SCHEDULE OF MEETINGS (Council Calendars for March and April 2008)**
- VI. PUBLIC FORUM**

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Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

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- VII. ANNOUNCEMENTS**
- VIII. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- IX. APPROVAL OF AGENDA**
- X. CONSENT CALENDAR (Items with Asterisks\*)**
- XI. UNFINISHED BUSINESS**
  - 1. Receive Report on Community Meeting for Traffic Calming Improvements at and Along the Intersection of N. Hillview Drive and Horcajo Street/Horcajo Circle, and Authorize Staff to Implement Traffic Calming Improvements (Staff Contact: Jaime Rodriguez, 586-3335)**
- XII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**
  - RA1. Call to Order by the Mayor/Chair**
  - RA2. Roll Call**
  - RA3. Approval of Minutes (March 4, 2008)**
  - RA4. Approval of Agenda and Consent Calendar (Items with Asterisks\*)**
  - \*RA5. Request for Waiver of Conflict of Interest by Meyers Nave (Staff Contact: Michael Ogaz, 586-3040)**

- \*RA6. **Reject Low Bid and Award Construction Contract to Design Electric for Installation of a Phone System within the Midtown East Parking Garage, and Approve Standardization of the Talk-a-Phone Emergency Phone System, Project No. 8161 (Staff Contact: Steve Erickson, 586-3414)**
- \*RA7. **Approve Amendment No. 2 to the Agreement with Kimley Horn and Associates for Calaveras Blvd. Bridge Sidewalk Widening, Project No. 4202 (Staff Contact: Greg Armendariz, 586-3317)**
- \*RA8. **Request Authorization to Subordinate Redevelopment Agency Loan to The Crossings at Montague Refinancing (Staff Contact: Michael Ogaz, 586-3040)**
- RA9. **Agency Adjournment**

### **XIII. REPORTS OF OFFICERS AND COMMITTEES**

#### **City Council:**

- \* 2. **Consider Mayor’s Recommendations for Appointment/Re-appointment to City Commissions (Contact: Mayor Esteves, 586-3029)**

#### **Public Art Committee:**

- \* 3. **Approve Artist for Proposed Bay Area Rapid Transit (BART) Station (Staff Contact: Diana Whitecar, 586-3059)**

#### **Facilities Naming Subcommittee:**

- \* 4. **Approve Recommendations for Naming of Rooms and Areas in the New Milpitas Library and Provide a Written Notification to the Great Mall of Lease Termination for Space at I-880 and Montague Expressway (Staff Contact: Jaime Rodriguez, 586-3335)**

### **XIV. NEW BUSINESS**

- 5. **Review Progress of the City of Milpitas Parking Task Force (Staff Contact: Joe Oliva, 586-3290)**
- \* 6. **Authorize Staff to Apply for Additional Funding From Santa Clara County Open Space Authority for Alviso Adobe Renovation, Project No. 5055 (Staff Contact: Greg Armendariz, 586-3317)**
- \* 7. **Authorize the Purchasing Agent to Dispose of One Police Surplus Vehicle (Staff Contact: Chris Schroeder, 586-3161)**

### **XV. ORDINANCE**

- \* 8. **Waive the Second Reading and Adopt Ordinance No. 38.776 Approving Amendments to the Zoning Ordinance Regarding Streamlining the Planning Permit and Review Process and Changes to the Public Notification Process (Staff Contact: Sheldon Ah Sing, 586-3278)**

### **XVI. RESOLUTION**

- \* 9. **Adopt Resolution Approving “Click It Or Ticket” Program Agreement with the Regents of the University of California School of Public Health, Berkeley, and the California Office of Traffic Safety (Staff Contact: Tom Borck, 586-2434)**

**XVII. BIDS AND CONTRACTS**

- \* 10. Award the Bid for Upgrading the Sielox Security System for the Police and Public Works Building to Universal Security & Fire (Staff Contact: Chris Schroeder, 586-3161)
- \* 11. Authorize the City Engineer to Execute a Contract Change Order No. 6 with Anderson Pacific Engineering Construction for Main Sewage Pump Station, Project No. 6103 (Staff Contact: Greg Armendariz, 586-3317)

**XVIII. CLAIMS AND DEMANDS**

- \* 12. Approve Police Mobile Computer Hardware and Software Upgrade of Data 911 Systems (Staff Contact: Chris Schroeder, 586-3161)
- \* 13. Approve Emergency Grading and Drainage System for the Alviso Adobe (Staff Contact: Chris Schroeder, 586-3161)
- \* 14. Approve the Architectural Services of Gil Sanchez for Emergency Design Work for the Alviso Adobe (Staff Contact: Chris Schroeder, 586-3161)
- \* 15. Approve the Purchase of Two New Book Theft Detection Units for the New Milpitas Library and Standardize on 3M Library Systems Brand of Equipment (Staff Contact: Chris Schroeder, 586-3161)
- \* 16. Approve the Standardization of NEC Corporation of America Child Identification Computer Systems and Purchase of Two New Systems (Staff Contact: Chris Schroeder, 586-3161)

**XIX. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, APRIL 1, 2008 AT 7:00 P.M.**

**KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION, CONTACT THE OPEN GOVERNMENT SUBCOMMITTEE

at the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

E-mail: [mogaz@ci.milpitas.ca.gov](mailto:mogaz@ci.milpitas.ca.gov) / Fax: 408-586-3030 / Phone: 408-586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), select Open Government Ordinance under News Features.

**BECOME A CITY COMMISSIONER!**

Currently, there are openings for the:

*Arts Commission (alternate)*

*Community Advisory Commission*

*Economic Development Commission (Hotel Rep)*

*Mobile Home Park Rental Review Board*

*Planning Commission*

*Parks, Recreation and Cultural Resources Commission (alternate)*

*Recycling and Source Reduction Advisory Commission (alternate)*

*Telecommunications Commission*

Applications are available online at [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) or at the City Hall Information Desk.

Contact the City Clerk's office (586-3003) for more information.

*If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at 586-3001 or send an email to [mlavelle@ci.milpitas.ca.gov](mailto:mlavelle@ci.milpitas.ca.gov) prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the Council Chambers for all meetings. TDD phone number (408)586-3013.*

## AGENDA REPORTS

### **XI. UNFINISHED BUSINESS**

- 1. Receive Report on Community Meeting for Traffic Calming Improvements at and Along the Intersection of N. Hillview Drive and Horcajo Street/Horcajo Circle, and Authorize Staff to Implement Traffic Calming Improvements (Staff Contact: Jaime Rodriguez, 586-3335)**

**Background:** During the January 15, 2008 City Council meeting the council directed staff to conduct a community meeting with residents living on and along N. Hillview Drive north of Jacklin Road so that the community could have an opportunity to provide input on suggested traffic calming improvements presented by staff as an alternative to an All-Way STOP at the N. Hillview Drive & Horcajo Street-Horcajo Circle intersection. The All-Way STOP is not warranted and results in significant traffic impacts. The following alternative traffic calming treatments were presented during the February 28, 2008 community meeting:

1. Install a vehicle speed feedback sign facing southbound N. Hillview Drive traffic approximately 300-Ft north of the Horcajo Street-Horcajo Circle intersection,
2. Install an "Intersection Ahead" warning sign facing northbound N. Hillview Drive traffic approximately 100-Ft south of the Horcajo Street-Horcajo Circle intersection,
3. Install rubber curb median island on just the Horcajo Street and Horcajo Circle movements of the N. Hillview Drive intersection,
4. Replace the existing single yellow centerline roadway marking on N. Hillview Drive between Jacklin Road and Horcajo Street-Horcajo Circle with a double yellow centerline roadway marking,
5. Install a white edge line along the east side of N. Hillview Drive between Jacklin Rod and Horcajo Street-Horcajo Circle to delineate between the northbound travel lane and parking lane.

Approximately 13 residents attended the community meeting. The community overwhelmingly supported installation of the first three treatments; the last two treatments received split-vote support from the community so staff is not recommending their installation.

Three additional treatments were discussed during the community meeting including the installation of rubber curb median islands on either just the south leg of the N. Hillview Drive & Horcajo Street-Horcajo Circle intersection, on both the north and south legs, and undulators treatments on N. Hillview Drive. The residents living along the frontage of the north leg of the intersection did not support the installation of the rubber curb and installation on the south leg received a split-vote so staff is not recommending their installation. Staff noted during the community meeting that undulators can be discussed in the future after all other traffic calming improvements are exhausted; several residents also noted their opposition to the installation of undulators on N. Hillview Drive.

Staff recommends installation of the first three traffic calming treatments listed above.

Staff has ordered all of the materials needed to complete the first three treatments supported by the community and will be installing them immediately upon delivery in April, if Council approves staff's recommendation.

**Fiscal Impact:** There are sufficient funds within CIP No. 4234 – Minor Traffic Improvements.

**Recommendation:** Receive report on community meeting for Traffic Calming Improvements along the Intersection of N. Hillview Drive & Horcajo Street-Circle and authorize staff to implement traffic calming improvements.

## **XII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

- RA1. Call to Order by the Mayor/Chair**
- RA2. Roll Call**
- RA3. Approval of Minutes (March 4, 2008)**
- RA4. Approval of Agenda and Consent Calendar (Items with Asterisks\*)**
- \*RA5. Request for Waiver of Conflict of Interest by Meyers Nave (Staff Contact: Michael Ogaz, 586-3040)**

**Background:** This matter was brought forward by the City Attorney in closed session at the request of the law firm of Meyers, Nave, Riback, Silver and Wilson. That firm has requested by letter, dated February 15, 2008, that the City waive any conflict of interest which may exist as a result of the law firm representing Piercey Automotive Group in negotiations with the City and Redevelopment Agency relative to advertising sign placement at freeway locations in the City. A copy of the request for waiver letter is included as an attachment. At the closed session on March 4, 2008, it was the Council's decision to have this matter considered in open session at this meeting.

As the Council is aware, Meyers Nave represented the City in both litigation and all transactional matters for 10 years and has only been away from the inside operations of the City for five months, since October 15, 2007. The firm is still handling three unfinished litigation matters for the City and provided legal advice on the original placement of the freeway signs which included specialized land use and Milpitas Redevelopment Agency work.

By seeking the waiver, the law firm acknowledges that it possesses what might be characterized as "insider information" concerning the operations, policies and mindset of the City of Milpitas. In addition, it would be fair to say the firm is privy to specialized knowledge regarding the City's perspective, motivations and legal strengths and weaknesses regarding the existing sign contracts and might, therefore, be considered to have an advantage at the bargaining table with regard to the new contracts.

**Analysis:** Meyers Nave represents that it will build an appropriate ethical wall assuring that the attorneys representing Piercey "will be screened from any relevant files and any work done by Meyers Nave for the City..." However, such a screen may not create a realistic barrier considering the numerous Meyers attorneys who have worked on City matters over the years and the long time period during which the firm served as primary legal advisor to the City. To further assure the City, Meyers has offered verbally that Steve Mattas would not work on the Piercey assignment, if that is the City's desire.

Only if the Council waives the conflict may the law firm participate in the sign project on behalf of Piercey. The State Bar Rules of Professional Conduct require "informed written consent" when representing clients with interests adverse to one another.

In addition to the concerns discussed above, the Council should also consider that the proposed waiver is unlimited in duration and could also theoretically allow Meyers Nave to represent Piercey against the City if any future litigation regarding the sign contracts were to occur. On the other side of the coin, it is difficult to discern any tactical advantage to the City in allowing Meyers Nave to participate on behalf of Piercey in the sign negotiation process.

**Fiscal Impact:** None direct.

**Recommendation:** That the City Council decline the request to waive Conflict of Interest for Meyers Nave, Riback Silver and Wilson.

**\*RA6. Reject Low Bid and Award Construction Contract to Design Electric for Installation of a Phone System within the Midtown East Parking Garage, and Approve Standardization of the Talk-a-Phone Emergency Phone System, Project No. 8161 (Staff Contact: Steve Erickson, 586-3414)**

**Background:** This project provides for the installation of an emergency phone system with twelve phones and related equipment within the newly constructed Midtown East Parking Garage. The project was advertised on January 31, 2008 and February 7, 2008 and sealed bid proposals were opened on February 28. Three bid proposals were received and ranged from \$29,148.66 to \$52,800.00. The Engineer's Estimate for the work was \$66,500. All bids received were below the Engineer's Estimate.

The apparent low bidder was Summer and Sons Electric with the bid of \$29,148.66. However, a Bid Bond was not submitted with the bid as required, and the bid included another error consisting of the total in writing (\$29,148.66) not corresponding to the total in figures (\$15,436.98). The lack of submission of a Bid Bond is a bid irregularity consisting of a material error that cannot be waived. Staff therefore recommends rejection of the apparent low bid from Summer and Sons and award of the contract to the second responsive low bidder Design Electric with a responsible bid of \$49,040.00.

The City's specifications require the emergency phone systems to be Talk-A-Phone, the same brand of emergency phones currently used in the City Hall Garage. The primary reason for specifying this brand is that the Talk-A-Phone system was already integrated with 911 Dispatch Communication Systems. In addition, the City already has existing replacement parts that can be utilized and staff is familiar with the devices. To replace with another brand will be more costly in the back end. Staff, therefore, requests that the Talk-a-Phone be the standardized brand for the City of Milpitas, as allowed under Municipal Code Section I-2-3.13, Standardization.

**Fiscal Impact:** Sufficient funds are available within the project budget to award this project.

**Recommendations:**

1. Reject low bid from Summer & Sons Electric.
2. Award Construction Contract to Design Electric in the amount of \$49,040.00 for installation of twelve emergency phone stations within the Midtown East Parking Garage, Project No. 8161, and approve standardization of the Talk-A-Phone emergency phone system.

**\*RA7. Approve Amendment No. 2 to the Agreement with Kimley Horn and Associates for Calaveras Blvd. Bridge Sidewalk Widening, Project No. 4202 (Staff Contact: Greg Armendariz, 586-3317)**

On May 10, 2006, the City Council approved a consultant agreement with Kimley Horn and Associates in the amount of \$100,000 for on call traffic engineering services. On June 5, 2007, the City Council approved Amendment No. 1 for additional services of the Milpitas Communications project for a new not to exceed amount of \$125,000.

Staff recommends that Kimley Horn perform design services for sidewalk widening and related improvements, at Calaveras Blvd. bridges (between Milpitas Blvd. and Abel St). This project will provide a safer walkway for pedestrians and bicyclists. Amendment No. 2 to the agreement is proposed for these design services. Staff has negotiated a scope and a not to exceed fee of \$73,834; which is considered reasonable for the work.

Approval of this agreement amendment brings the total contract amount to \$198,834.

**Fiscal Impact:** There are sufficient funds in the project budget to cover the expense.

**Recommendation:** Approve Amendment No. 2 to the Agreement with Kimley Horn and Associates for Calaveras Blvd. Bridge Widening, Project No. 4202, in the amount of \$73,834, subject to approval as to form by the City Attorney.

**\*RA8. Request Authorization to Subordinate Redevelopment Agency Loan to The Crossings at Montague Refinancing (Staff Contact: Michael Ogaz, 586-3040)**

**Background:** In July of 2001, the Redevelopment Agency loaned approximately \$1.3 million to the owner of The Crossings at Montague Project and agreed to subordinate that loan to a variable rate first mortgage of \$60 million. The owner is refinancing and wishes to raise that amount to \$67 million and asks that the RDA subordinate its loan to that new amount. The RDA is required to cooperate with the owner's financing efforts, but is not required to execute the subordination agreements if it is not prudent to do so.

David Wilson, speaking for the owner, indicates that the Fannie Mae refinancing did not require an appraisal since there was an abundance of equity in the property. He has provided documentation from ARCS Commercial Mortgage, the loan underwriter for Fannie Mae, which also has a financial stake in the refinancing. ARCS has prepared a lender valuation analysis which Fannie Mae has agreed to accept in lieu of an appraisal. That valuation analysis is addendum A to the letter from PCRC dated March 6, 2008, which is an attachment to this report. In essence, the valuation analysis concludes that the property is worth at least \$100 million and perhaps \$120 million. The equity margin above the \$67 million refinancing package is therefore from \$33 to \$53 million dollars. With that level of equity, there is adequate security for the \$1.3 million RDA loan. Staff believes execution of the subordination agreements will not significantly impair the RDA loan, which is in fact better protected than when it was initiated in 2001.

**Fiscal Impact:** Discussed above.

**Recommendation:** Authorize the Executive Director to execute the Subordination Agreements, subordinating the RDA loan to refinancing of The Crossings at Montague property in the approximate amount of \$67 million.

**RA9. Agency Adjournment**

**XIII. REPORTS OF OFFICERS AND COMMITTEES**

**City Council:**

**\* 2. Consider Mayor's Recommendations for Appointment/Re-appointment to City Commissions (Contact: Mayor Esteves, 586-3029)**

**Background:** Mayor Esteves recommends the following Milpitas residents be appointed/re-appointed:

**Arts Commission/Public Art Committee:**

Appoint Becky Strauss as Alternate No. 1 to a term that expires in October 2008.

**Telecommunications Commission:**

Re-appoint Niranjana Gupta to a term that expires in January 2010.

**Fiscal Impact:** None

**Recommendation:** Consider Mayor's recommendations and vote on one appointment and one re-appointment to City Commissions.

**Public Art Committee:**

\* 3. **Approve Artist for Proposed Bay Area Rapid Transit (BART) Station (Staff Contact: Diana Whitecar, 586-3059)**

**Background:** As part of the design phase for the proposed Milpitas BART Station, Santa Clara Valley Transportation Authority (VTA) staff worked with the Milpitas Public Art Committee (PAC) to select two artists for the future station. The PAC appointed a subcommittee for this effort and the first artist selected was Amy Trachtenberg for the BART Platform art. The City Council approved this recommendation of the PAC at its December 11, 2007 meeting.

The second artist for art at the BART station is proposed as BJ Katz, who will design art for the glass walls of the proposed station. Ms. Katz was considered along with two other artists, selected by the PAC Subcommittee and recommended to the Council by the PAC at its February meeting.

**Fiscal Impact:** There is no fiscal impact associated with this action. Costs for the BART Art will be included in the future BART construction project.

**Recommendation:** Consider the recommendation of the Public Art Committee and authorize B.J. Katz as the glass artist for the proposed Milpitas BART Station.

**Facilities Naming Subcommittee:**

\* 4. **Approve Recommendations for Naming of Rooms and Areas in the New Milpitas Library and Provide a Written Notification to the Great Mall of Lease Termination for Space at I-880 and Montague Expressway (Staff Contact: Jaime Rodriguez, 586-3335)**

**Background:** The Facilities Naming Subcommittee met on February 20, 2008 and requested that the following items be forwarded to the City Council for consideration and approval.

**Names for Rooms and Areas in the New Milpitas Library**

Three nomination forms were received for the naming of rooms and areas in the new Milpitas Library to honor services to the community from Ed Cavallini, Josephine Guerrero, and Robert Keely. Staff met with the nominees to review appropriate naming locations suggested by Linda Arbaugh, Milpitas Community Librarian. Nominees expressed their concurrence with the following recommendations, "Ed Cavallini Tower" (the south tower), "Josephine Guerrero Children's Activity Room"(first floor), and the "Robert Keely Quiet Reading Area" (second floor).

**Provide a Written Notification to the Great Mall of Lease Termination for Space at I-880 & Montague Expressway**

The City executed a lease agreement with the Great Mall of the Bay Area on December 18, 2001 allowing placement at a large pylon monument sign near the I-880 and Great Mall Parkway interchange on City property. The current lease rate is \$10,200 per year and the lease is scheduled to terminate on November 2, 2008.

The lease requires a six-month written notification by either party for early termination. The Subcommittee recommends providing a six-month written notification immediately to inform the Great Mall that the City will not renew the lease beyond the termination date and to request that the Great Mall remove the sign from the City property. A deposit of \$16,000 was provided by the Great Mall at the inception of the lease so if the sign is not removed by the termination date, the City may use these funds to remove the sign on its own.

Staff will continue to work with the subcommittee to develop a process to replace the existing sign with a new sign that helps attract customers to more businesses within the City of Milpitas.

**Fiscal Impact:** There is no fiscal impact to naming of rooms and areas at the new Milpitas Library. The termination of the Great Mall Lease will result in an elimination of \$10,200 in annual revenue. However, the new sign may provide an opportunity for higher revenues.

**Recommendations:**

- 1) Approve Recommendation from the Facilities Naming Subcommittee for the Naming of Rooms and Areas in the New Milpitas Library.
- 2) Approve the Written Notification to the Great Mall of Lease Termination for space at I-880 and Montague Expressway.

**XIV. NEW BUSINESS**

**5. Review Progress of the City of Milpitas Parking Task Force (Staff Contact: Joe Oliva, 586-3290)**

**Background:** The Parking Task Force held its “kickoff” meeting on June 6, 2007 to initiate a City Council approved Work Program. The four tasks in the Work Program include:

- Task 1 – Documenting Existing Parking Conditions in Milpitas
- Task 2 – Comparison of Off-street Parking Standards
- Task 3 – Public Outreach
- Task 4 – Comprehensive Revision to the Parking Section of the Zoning Ordinance

The Parking Task Force met on September 13, 2007 to review the Task 1 Technical Memorandum and on January 29, 2008 to review the Task 2 Technical Memorandum. Each meeting followed with presentations to the City Council Transportation Subcommittee, the Economic Development Commission and the Planning Commission.

After an extensive parking survey of Industrial, Commercial and Residential land uses throughout the City, the following conclusions were reached:

- Industrial land uses surveyed appear to have adequate parking.
- Most commercial centers surveyed had ample parking, with the exception of retail centers with large concentrations of restaurants or very large restaurants.
- Multi-family residential projects surveyed generally provided adequate parking.
- Recent Multi-family projects constructed after 2000 have documented parking congestion.
- Religious entities surveyed appeared to provide sufficient parking during normal Sunday operations.

Data collection for Task 2 involved a comparison of off-street parking standards from nine local jurisdictions as well as national published information contained in the Institute of Transportation Engineers (ITE) *Parking Generation Manual*. The following conclusions were reached:

- Parking standards for the nine local jurisdictions surveyed were fairly consistent.
- The City of Milpitas off-street parking standards were consistent with the nine local jurisdictions surveyed.
- The City of Milpitas off-street parking standards should be “expanded” to cover a wider range of uses.
- Higher household sizes and higher auto ownership rates by Milpitas residents should be considered when updating the Parking Section of the Zoning Ordinance.
- Transit Oriented Development (TOD) parking standards should be developed and incorporated as public transportation builds out.

The third task in the Work Program is an extensive Public Outreach effort to solicit input from a wide variety of community stakeholders. Staff will hold meetings with the Chamber of Commerce, the Rotary Club, the Downtown Association, Residential Homeowners Associations, Commercial Shopping Center owners and religious entities. These meetings will be scheduled during March and April 2008.

**Fiscal Impact:** Review of the Parking Task Force progress has no immediate fiscal impact.

**Recommendation:** Receive report of the Milpitas Parking Task Force from staff.

- \* 6. **Authorize Staff to Apply for Additional Funding From Santa Clara County Open Space Authority for Alviso Adobe Renovation, Project No. 5055 (Staff Contact: Greg Armendariz, 586-3317)**

**Background:** This project is included in the approved five year Capital Improvement Program and will be implemented in phases based on funding availability. The first phase would be to provide structural stabilization and structural upgrades of the historic Alviso Adobe building, in order to stop further deterioration and prevent complete loss of the building due to an earthquake. This phase is recommended to move forward, independent of the other phases for this reason. The second phase would consist of design and construction of the public access, vehicular parking, and park improvements. The third and final phase would include the historic restoration of the Adobe building, allowing public access on an appointment basis (to the first floor only.)

Staff applied for and the City obtained a grant from the Open Space Authority in the amount of \$356,837 for site improvements of this project. An additional \$40,000 is now available. For the City of Milpitas, staff will be applying for these additional funds.

Concurrently, the environmental review process is also under way.

**Fiscal Impact:** None

**Recommendation:** Authorize staff to apply for a \$40,000 grant from the Santa Clara County Open Space Authority for the Alviso Adobe Renovation Project No. 5055.

- \* 7. **Authorize the Purchasing Agent to Dispose of One Police Surplus Vehicle (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On January 16, 2008 a Police vehicle, PT30-2003, was involved in an accident when another vehicle ran a red light and hit the City vehicle. The front end of PT30-2003 was damaged to the extent that the repairs exceeded the value of the vehicle. Staff is proceeding against the other party for recovery of losses. In the meantime, salvage bids were solicited as follows:

ABC Auto Parts	\$1,050
Alvins Recycling	\$950
Concord Auto Salvage	\$775

Staff requests authorization to sell the vehicle to the highest bidder, ABC Auto Parts, for \$ 1,050, pursuant to section 1-2-8.03 of the Municipal Code "Disposal of More Than \$ 1000.

**Fiscal Impact:** Proceeds of the sale, \$1,050 will be returned to the Equipment Replacement Fund.

**Recommendation:** Authorize the Purchasing Agent to dispose the one surplus police vehicle, PT30-2003.

## XV. ORDINANCE

- \* 8. **Waive the Second Reading and Adopt Ordinance No. 38.776 Approving Amendments to the Zoning Ordinance Regarding Streamlining the Planning Permit and Review Process and Changes to the Public Notification Process (Staff Contact: Sheldon Ah Sing, 586-3278)**

**Background:** On February 19, 2008, the City Council introduced Ordinance No. 38.776, streamlining the Planning review and permitting process and also changes to the public notification process. The amendments reduce the amount of time a project would be in the planning review process and extends the public outreach for major projects. After the first reading of the Ordinance, an inconsistency was found regarding the appeals process identified in Section 31 of the Ordinance. In preparation for the second reading, clarifying revisions to the Ordinance included making a reference to a newly created table summarizing the appeals process. Ordinance No. 38.776 is now ready for a second reading and adoption.

**Fiscal Impact:** Minimal to City sponsored projects because of increased public noticing requirement.

**Recommendations:**

1. Waive the second reading of Ordinance No. 38.776.
2. Adopt Ordinance No. 38.776 approving amendments to the Zoning Ordinance regarding streamlining the Planning permit and review process and changes to the public notification process.

## XVI. RESOLUTION

- \* 9. **Adopt Resolution Approving “Click It Or Ticket” Program Agreement with the Regents of the University of California School of Public Health, Berkeley, and the California Office of Traffic Safety (Staff Contact: Tom Borck, 586-2434)**

**Background:** The regents of the University of CA and the California Office of Traffic Safety (OTS) Click It or Ticket Program offer opportunities for cities to be reimbursed for police overtime costs directly associated to seat belt enforcement. The stated OTS goal is to increase seat belt usage statewide to 95% by July 31, 2008. OTS approved the Police Department’s application for reimbursement of overtime necessary to conduct seat belt enforcement during the 21-day period of May 12 through June 1, 2008. The total maximum possible overtime reimbursement is \$7,000.

**Fiscal Impact:** No impact – salary reimbursement.

**Recommendations:**

1. Adopt resolution approving the agreement with the Regents of the University of California regarding the “Click It or Ticket” Program.
2. Authorize the Chief of Police to execute agreement with the Regents of the University of California, subject to approval as to form by the City Attorney.

## XVII. BIDS AND CONTRACTS

- \* 10. **Award the Bid for Upgrading the Sielox Security System for the Police and Public Works Building to Universal Security & Fire (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On January 29, 2008 staff went out to bid for an upgrade to the existing Sielox Security System for the Police and Public Works building. Bids were sent to five authorized distributors in the Bay Area. In addition, the bid was advertised in the local newspaper, and on the City website. Only one bid was received and is summarized below.

<u>Bidder</u>	<u>Total Bid</u>
Universal Security & Fire	\$60,985.73

**Fiscal Impact:** Funding for this purchase is available from Capital Improvement Project No. 8173, Public Works Security.

**Recommendation:** Award the bid for upgrading the Sielox Security System for the Police and Public Works building and authorize the City Manager to execute a contract with Universal Security & Fire, for the not-to-exceed amount of \$60,985.73, including sales tax, subject to approval as to form by the City Attorney.

- \* 11. **Authorize the City Engineer to Execute a Contract Change Order No. 6 with Anderson Pacific Engineering Construction for Main Sewage Pump Station, Project No. 6103 (Staff Contact: Greg Armendariz, 586-3317)**

**Background:** The City Council awarded this project to construct the Main Sewage Pump Station, to Anderson Pacific Engineering Construction, Inc. on December 5, 2006, and construction is underway. The completed project will provide for construction of a new underground wet well with submersible pumps, inline grinders, a new control building with electrical room, site grading, drainage improvements and lighting. This project is currently on schedule and on budget with a planned completion date of November.

Staff recommends additional work to furnish and install Wet Well HVAC duct work system. This is required due to conflicts with the original designed system.

This additional work will include a time extension of 30 days. The cost of this change order is \$32,345 and is considered reasonable for the work and materials involved. The project is approximately 79% complete and the change order contingency used including this change order is 51%.

**Fiscal Impact:** None

**Recommendation:** Authorize the City Engineer to execute the Contract Change Order No. 6 with Anderson Pacific Engineering Construction, in the amount of \$32,345.00 for the Main Sewage Pump Station, Project No. 6103.

## XVIII. CLAIMS AND DEMANDS

- \* 12. **Approve Police Mobile Computer Hardware and Software Upgrade of Data 911 Systems (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On February 19, the City Council approved mid-year budget appropriations for several operating and capital improvement project expenses. One of the budget items was for procurement of new mobile computer equipment for public safety vehicles. The City currently operates mobile computer systems from Data 911. Staff purchased and tested two competing systems: the Panasonic Tough Book CF-30 and the Panasonic Tough Book CF-74, against the existing mobile computer system. Neither of the Panasonic systems met the operating specifications nor were they found to be ergonomically correct for all drivers. Staff therefore requests the purchase be made pursuant to Municipal Code Section I-2-3.09 "Sole Source Procurement" from Data 911.

**Fiscal Impact:** \$47,413.94 will come from the Technology Equipment Replacement Fund. The remaining \$47,413.93 will come from a matching grant from the Association of Bay Area Governments.

**Recommendation:** Approve the Sole Source request and authorize the purchase of Police mobile computer hardware and software upgrades from Data 911.

- \* 13. **Approve Emergency Grading and Drainage System for the Alviso Adobe (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** Recent rainstorms have resulted in standing water under and adjacent to the Alviso Adobe, damaging the historic adobe walls. Staff solicited bids from two contractors, Frank Surian

& Sons and Garden City Construction. Garden City declined due to limited resources, but Frank Surian & Sons, whose price was competitive, was able to start work immediately. This purchase is made pursuant to Municipal Code Section I-2-3.10 Emergency Authority of Purchasing Agent.

**Fiscal Impact:** Funding for this work which amounted to \$59,740 is available from Capital Improvement Project No. 5055 Alviso Adobe Restoration Project.

**Recommendation:** Approve the payment request of \$59,740.00 to Frank Surian & Sons for the emergency grading and drainage system installation at the Alviso Adobe, CIP No. 5055.

\* 14. **Approve the Architectural Services of Gil Sanchez for Emergency Design Work for the Alviso Adobe (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** Recent rainstorms have resulted in standing water under and adjacent to the Alviso Adobe, damaging the historic adobe walls. Staff engaged the services of Gil Sanchez Architect to design a grading and drainage plan to protect the historic structure. Mr. Sanchez is one of a small group of architects experienced in archeological preservation. Mr. Sanchez has worked with the City on other projects in the past and his pricing was competitive. He was also able to start work immediately. This purchase is made pursuant to Municipal Code Section I-2-3.10 "Emergency Authority of Purchasing Agent".

**Fiscal Impact:** Funding for this work which amounted to \$74,490.21 is available from Capital Improvement Project No. 5055 Alviso Adobe Restoration Project.

**Recommendation:** Approve the payment request of \$74,490.21 for the architectural Services of Gil Sanchez for emergency design work for the Alviso Adobe grading and drainage system.

\* 15. **Approve the Purchase of Two New Book Theft Detection Units for the New Milpitas Library and Standardize on 3M Library Systems Brand of Equipment (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** As part of the new Library construction project, the City will be installing book theft detection units at the exit doors. These are buried cable systems manufactured by 3M Library Systems, activated by the "tattle tape" inserted in the spine of the book. The same tattle tape is also used by the book sorting equipment and the self-check out equipment. Santa Clara County Library has standardized the 3M Library Systems as its vendor of choice. One existing unit at the current library that comes with a maintenance contract will be relocated when the county library moves into the new library. Staff requests that for the purpose of standardizing all the book theft detection units, two new units also be purchased from the 3M Library Systems. The purchase will be made pursuant to Municipal Code Section I-2-3.13, Standardization.

**Fiscal Impact:** The two new units amounted to \$30,707.87. Funds are available for this purchase from Capital Improvement Project No. 8162, new Milpitas Library.

**Recommendation:** Approve the purchase of two new book theft detection units for the new Milpitas Library equipment for the not-to-exceed amount of \$30,707.87, and approve the standardization of the 3M Library Systems brand.

\* 16. **Approve the Standardization of NEC Corporation of America Child Identification Computer Systems and Purchase of Two New Systems (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** The City purchased four NEC Child Identification Computer Systems over the years. The City has also invested in supplies, parts and training of staff to operate this equipment. All Police Department senior volunteers were also trained in using this equipment and are very familiar with it. Staff therefore recommends that the Child Identification Computer Systems manufactured by NEC Corporation of America be the standardized brand for the City of Milpitas,

as allowed under Municipal Code Section I-2-3.13, Standardization. The Police Department also recommends to purchase two new systems using the 2008 State COPs grant.

**Fiscal Impact:** The purchase price of two new systems totals \$8,500.00. Funds for this purchase are available from the 2008 State COPS grant.

**Recommendation:** Approve the standardization request and the purchase of two new NEC Corporation of America Child Identification Computer Systems for the not-to-exceed amount of \$8,500.00.

**XIX. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, APRIL 1, 2008 AT 7:00 P.M.**